



02-CV-01683-DECL

Honorable Thomas S. Zilly
Set for Hearing August 29, 2003
CC TO JUDGE DJ
FILED _____ ENTERED _____
LODGED _____ RECEIVED _____
AUG 25 2003 DJ

ORIGINAL

AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
BY _____ DEPUTY

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

VALVE, L.L.C., a Washington Limited
Liability Company,

Plaintiff,

v.

SIERRA ENTERTAINMENT, INC. (AKA
SIERRA ON-LINE, INC.), a Delaware
Corporation,

Defendant.

No. C 02-1683Z

DECLARATION OF JASON
HOLTMAN IN OPPOSITION TO
SIERRA'S MOTION FOR
PROTECTIVE ORDER

I have appeared as an attorney for Valve L.L.C. in the above-entitled action. I am over the age of eighteen years and I am competent to make this declaration. I make this declaration based on my own personal knowledge.

1. Valve, L.L.C. ("Valve") served Sierra Entertainment, Inc. ("Sierra") with a Notice of 30(b)(6) Deposition on August 6, 2003. The deposition topics include information regarding the Asian Media Development Group's activities related to Valve games in the Philippines.
2. I offered to accommodate any difficulties Sierra might face in designating a speaking agent to discuss activities in the Philippines by either traveling to Vivendi Universal

HOLTMAN OPPOSITION
DECLARATION - 1

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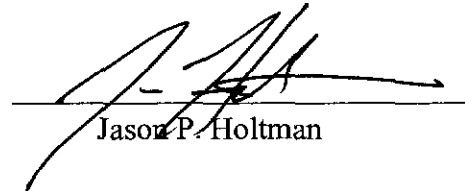
PRESTON GATES & ELLIS LLP
925 FOURTH AVENUE
SUITE 2900
SEATTLE, WASHINGTON 98104-1158
TELEPHONE: (206) 623-7580
FACSIMILE: (206) 623-7022

1 Games' headquarters in Los Angeles or to conduct the deposition telephonically or by
2 other means. Sierra has not, as yet, accepted this offer. Attached as Exhibit 1 is a true
3 and correct copy of an August 11, 2003 letter from Jason Holtman to Bob Carlson.

- 4 3. The parties have agreed to abide by a protective order designed to protect against the
5 disclosure of confidential information. Initially, Valve proposed an "Attorney's Eyes
6 Only" designation, but Sierra objected to including this designation in the protective
7 order.
8

9 I declare under penalty of perjury under the laws of the State of Washington that the
10 foregoing is true and correct:

11 EXECUTED this 25th day of August, 2003 at Seattle, WA.

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14 Jason P. Holtman
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HOLTMAN OPPOSITION
DECLARATION - 2

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Preston|Gates|Ellis LLP

August 11, 2003

VIA FACSIMILE AND REGULAR MAIL

Mr. Robert J. Carlson
Christensen, O'Connor, Johnson & Kindness PLLC
1420 Fifth Avenue
Suite 2800
Seattle, WA 98101-2347

Re: *Valve, LLC v. Sierra Entertainment, Inc.*
USDC Western District of Washington
Case No.: CV02-1683Z
Our Reference No.: 36063-00014

Dear Bob:

Thank you for participating in my requested CR 37 conference today in order that we could review and discuss the letters and evidence that I had sent to you since our discovery conference last week. Namely my letters of August 5, 8, and 11. I understand from you that Vivendi's position has not changed and that it is necessary for Valve to file a motion to compel.

Further, I intend to hold the 30(b)(6) deposition that I noted for August 18. As we discussed, I am willing to make arrangements so that the deposition may be as efficient as possible (we could consider, for instance, holding a telephonic/videographic deposition of Sierra's designee if that person happens to be in the Philippines). Discovery of the matters listed in Valve's 30(b)(6) notice are reasonably calculated to lead to the discovery of admissible evidence. For instance, you have claimed that AMDG is not and never was authorized to license Valve products for use in cybercafes. The evidence that Valve has discovered on its own, however, tends to contradict that representation. The 30(b)(6) deposition that I have noted is necessary in order to test the accuracy of Vivendi's position and to obtain Vivendi's testimony on the subject.

Very truly yours,

PRESTON GATES & ELLIS LLP

By

Jason P. Holtman

JPH:jph

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A LAW FIRM

A LIMITED LIABILITY PARTNERSHIP INCLUDING OTHER LIMITED LIABILITY ENTITIES